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October 2, 2020

**Via ECF**

The Honorable Joseph F. Bianco  
United States District Judge  
Eastern District of New York  
100 Federal Plaza, Room 1040  
Central Islip, New York 11722

Re: United States v. Kenner, 13-CR-607

Dear Judge Bianco,

This office has been appointed as standby counsel to assist Phillip Kenner in his capacity as a *pro se* litigant. Mr. Kenner has asked me to relay his objection to the request – filed today by Owen Nolan’s counsel – to address the Court at sentencing. *See* Docket Entry 920.

Pursuant to 18 U.S.C. § 3771(a)(4), Mr. Nolan unquestionably has a right to be heard at sentencing. However, we are unaware of any authority which extends that right to his attorney.

To the contrary, § 3771(e) permits a representative to assume a crime victim’s rights only “[i]n the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased.” Because such circumstances do not apply here, we do not believe that Mr. Nolan’s lawyer should be permitted to address the Court at sentencing.

Thank you for your consideration.

Respectfully submitted,

/s/

Matthew W. Brissenden

cc: All Counsel (*via* ECF)  
Phillip Kenner